

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	CRIMINAL ACTION NO.
)	
V.)	1:17-CR-00224-AT-CMS
)	
)	
ALLEN J. PENDERGRASS,)	
Defendant.)	
)	

UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

COMES NOW, Defendant Allen J. Pendergrass, by and through undersigned counsel, and hereby requests a continuance of the sentencing hearing in this case. In support thereof, Mr. Pendergrass offers the following:

Mr. Pendergrass was indicted in the present case on June 27, 2017. Doc. 1. He was charged with five counts of mail fraud (18 U.S.C. § 1341), one count of money laundering conspiracy (18 U.S.C. § 1956(h)), and four counts of aggravated identity theft (18 U.S.C. § 1028A). After a five-day trial, he was convicted on all counts. Sentencing is currently set for June 23, 2022.

At the close of the government's case, defense counsel moved for a judgment of acquittal on all counts. Doc. 265 at 211. This motion was renewed at the close of all evidence, and denied. Doc. 266 at 44, 45. Mr.

Pendergrass has filed a renewed motion for judgment of acquittal and a motion for new trial. Docs. 267, 268. These motions remain pending.

Additionally, both of Mr. Pendergrass's attorneys will be on previously-scheduled leave the week before Mr. Pendergrass's sentencing. Counsel intend to file a sentencing memorandum of Mr. Pendergrass's behalf, but the memorandum has not been drafted due to the pending motions.

Counsel Durrett has emailed with AUSA Tracia King, and the government has no objection to this request. Because Mr. Pendergrass has already been convicted, the Speedy Trial Act has no impact on this request.

For all of these reasons, Mr. Pendergrass now asks that this Court continue the sentencing hearing for 30 days or until a date after the pending motions have been decided.

Respectfully submitted this 8th day of June, 2022.

/s/ Sydney R. Strickland
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